

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

September 24, 2020

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: Executive Order No. 2020-34

Dear Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

**EXECUTIVE ORDER NO. 2020-34:
RELATIVE TO INSTITUTING SAFER-AT-HOME ADVISORY**

If you have any questions, please contact my office at # 475-9475/76.

Senseramente,

A handwritten signature in blue ink, appearing to read 'Leslie A. Travis', is written over the typed name.

LESLIE A. TRAVIS

Legal Counsel

Enclosure(s): Executive Order No. 2020-34

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Hon. F.Philip Carbullido, Chief Justice of Guam
Compiler of Law
Central Files
Cabinet Members



**ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.**

EXECUTIVE ORDER NO. 2020-34

**RELATIVE TO INSTITUTING
SAFER-AT-HOME ADVISORY**

WHEREAS, on August 21, 2020, I executed Executive Order No. 2020-28, implementing a Stay-at-Home Order for the first time since the current public health emergency began on March 14, 2020; and

WHEREAS, I extended stay-at-home conditions four (4) more times in Executive Order Nos. 2020-29, 2020-30, 2020-31, and 2020-32; and

WHEREAS, as of the execution of this Order, thirty-eight (38) individuals have suffered COVID-19 related deaths, twenty-eight (28) of whom we lost in the month of September alone; and

WHEREAS, as of the time of this writing, over two thousand two hundred (2,200) individuals have tested positive for COVID-19 in Guam; and

WHEREAS, as of the time of this writing, Guam has a 7-day rolling average of over 31.9 positive cases daily, and a test positivity rating of 9.2%; and

WHEREAS, as of the time of this writing, thirty-two (32) COVID-19 positive patients are hospitalized, including twelve (12) in intensive care, many of them on ventilators; and

WHEREAS, in an effort to ensure that our hospital facilities are properly staffed and patients receive critical care, Guam has received assistance from Department of Defense personnel who are on medical mission assignment at the Guam Memorial Hospital Authority, and secured the services of private temporary medical personnel; and

WHEREAS, on September 18, 2020, in Executive Order No. 2020-32, notwithstanding the continued Stay-at-Home Order, I authorized the reopening of specific businesses and services, including take-out services at local eating establishments and curbside retail for non-essential items, in an effort to enhance the quality of life of our community while continuing to preserve the health and safety of our community by limiting personal interactions between individuals; and

WHEREAS, earlier this year, when our rates of test positivity and daily of new cases were both low, Guam began implementing its plan of phased re-opening of both private and public sector services; and

WHEREAS, that plan, known as the *Chalan Para Hinemlo'*, was developed in consultation with the Guam Recovery Panel of Advisors, which included representatives from the Guam Chamber of Commerce and the Guam Women's Chamber of Commerce, as well as other private and public sector representatives; and



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WHEREAS, *Châlan Para Hinemlo* sets out several criteria, including rates of new cases and hospitalization and testing and contact tracing capacity, to inform decisions about movement from one Pandemic Condition of Readiness (“PCOR”) to another, and establishes categories of private and public sector services and activities for phased in re-opening; and

WHEREAS, the United States Centers for Disease Control (“CDC”), in coordination with the White House, has issued a similar phased in framework for re-opening called “Guidelines for Opening up America Again,” (“GOAA”), which emphasizes consideration of three specific categories: Symptoms, Cases, and Hospitals; and

WHEREAS, in considering Symptoms, the GOAA recommends that there be both a downward trajectory of influenza-like illnesses reported and a downward trajectory of COVID-like syndromic cases within a fourteen (14) day period; and

WHEREAS, for Cases, the GOAA recommends that there be either a downward trajectory of documented cases or a downward trajectory of positive tests as percentage of total tests (test positivity rate) within a fourteen (14) day period; and

WHEREAS, the GOAA recommends that when reviewing the Hospitals category, a jurisdiction should be able to treat all patients without crisis care and have in place a robust testing plan for at-risk healthcare workers; and

WHEREAS, in consultation with the Physicians Advisory Group and the Guam National Guard’s Surgeon Cell, and in light of data indicating some activities expose their participants to lesser degrees of risk of transmission than others, and relying on our community’s commitment to observing mitigation measures to ensure consistent, if gradual, decrease in our metrics indicating containment of the COVID-19 crisis, it is appropriate and reasonable to begin again the phased re-opening of our economic activity and public life; and

WHEREAS, while phased re-opening is appropriate, and we have begun to see a gradual downward trend in hospitalizations, we are not yet in a position to transition out of PCOR 1; and

WHEREAS, notwithstanding the phased re-opening of our island, there remains a grave concern that many of our more vulnerable residents continue to be at an enhanced risk should they contract the virus, and while it is imperative that all residents exercise mitigation measures to help slow the rate of infection, it is important that our medically vulnerable population exercises particular caution; and

WHEREAS, all of our residents, regardless of whether they have comorbidity factors that render them particularly susceptible to death or debilitating symptoms if they contract COVID-19, are safer at home, and should continue to minimize their travel outside their home, for their own protection and for the protection of their vulnerable friends and family; and



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WHEREAS, on September 10, 2020, the Department of Public Health and Social Services (“DPHSS”) launched the Guam COVID Alert App, a smartphone application that utilizes random Bluetooth keys to protect privacy while alerting users to any potential exposure they may have had to COVID-19 positive individuals; and

WHEREAS, the Guam COVID Alert App equips our community with a tool to make responsible decisions to immediately self-quarantine when alerted to a potential exposure and make the necessary arrangements to test for COVID-19 when appropriate; and

WHEREAS, there have been more than 12,500 downloads of the Guam COVID Alert App since it was introduced, and several civic, business, non-profit, and public sector partners are actively encouraging their members, employees, and patrons to add their phones to the COVID fight by downloading the Guam COVID Alert App; and

WHEREAS, in order to maximize the effectiveness of the Guam COVID Alert App, it is recommended that residents with smartphone capability download the app; and

WHEREAS, as of the time of this writing, one hundred ten (110) incoming travelers have tested positive for COVID-19e; and

WHEREAS, controlling the influx of COVID-positive individuals traveling to Guam concurrently with continued robust contact tracing and isolation of known cases of COVID-19, is critical to our efforts to contain spread of the virus on our island; and

WHEREAS, for the preservation of public health and safety throughout our island, it is necessary to impose safer-at-home measures and continue to restrict, on a modified basis, entry into Guam, to ensure that our healthcare delivery system remains capable of serving all our residents infected with COVID-19.

NOW THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam as amended, do hereby order:

1. **PANDEMIC CONDITION OF READINESS 1.** Guam continues to be in PCOR 1, during which some of the most restrictive conditions are imposed in an effort to slow the spread of COVID-19 in our community.
2. **“SAFER AT HOME” ADVISORY.** Effective September 24, 2020, at 12:00PM, all individuals, especially vulnerable persons, are encouraged to minimize travel outside the home. When it is necessary to leave the home, all persons are instructed to exercise mitigation measures outlined in applicable DPHSS Guidance, to help slow the spread of COVID-19. These measures include: washing hands frequently with soap and water or hand sanitizer, especially after touching frequently used items or surfaces; refraining from touching one’s face; sneezing or coughing into a tissue, or the inside of one’s elbow; and disinfecting frequently used items and surfaces as much as possible. “Vulnerable persons” means individuals sixty-five



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(65) years and older or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

- a. **OPERATION OF LIMITED NON-ESSENTIAL BUSINESSES.** Effective September 25, 2020 at 12:00PM, additional non-essential businesses are permitted to operate as identified in applicable DPHSS Guidance. Authorized non-essential businesses shall include retail, personal care services and general office work. Businesses authorized to operate under this Section shall operate at no greater than twenty-five percent (25%) occupancy load, and must implement mitigation measures set forth in applicable DPHSS Guidance, including, but not limited to, social distancing of at least six (6) feet and posting of appropriate signage; frequent cleaning of all surfaces; mandating the wearing of face masks; and permitting and encouraging teleworking. Certain businesses will be required to maintain a log of customers. Patrons of businesses or activities operating under this Section shall follow all mitigation measures imposed by such businesses in furtherance of DPHSS Guidance.
- b. **OUTDOOR DINING FOR EATING AND DRINKING ESTABLISHMENTS.** In-person outdoor dining shall be permitted at eating and drinking establishments, subject to requirements and limitations set forth in applicable DPHSS Guidance, including the requirement that diners must be members of the same household, limited to no more than six (6) diners per table, with six (6) feet distance between tables. Eating and drinking establishments must additionally keep a log of customers.
- c. **LIMITED OUTDOOR RECREATION.** In addition to previously authorized individual exercise, additional recreational activities shall be authorized, subject to DPHSS Guidance, to include socially distanced activities, such as golf, tennis, scuba diving, and individual water activities. No congregations between participants shall be permitted, and no spectators shall be permitted.
- d. **CONTINUED PROHIBITION ON GATHERINGS AND CONGREGATIONS.** All public gatherings or congregations not specifically authorized continue to be prohibited.
- e. **USE OF THE GUAM COVID ALERT APP ENCOURAGED.** All residents with smartphone capability are encouraged to download the Guam COVID Alert app, which will alert individuals who may have been exposed to another individual who has tested positive for COVID-19. The app is free, and available to download for Apple and Android devices.



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- f. **GOVERNMENT OF GUAM OPERATIONS.** Federal government and Government of Guam agencies shall be permitted to operate at no greater than twenty-five percent (25%) occupancy load, and must implement mitigation measures set forth in applicable DPHSS Guidance, including social distancing, surface cleaning, and mask wearing. Customer service functions critical to the health and safety to the community may continue full operations. Business-related customer service operations are authorized on a limited basis subject to approval by DPHSS. All other customer service functions may occur by appointment.
- g. **ENFORCEMENT.** Individuals and businesses who refuse to comply with this Section may be subject to fines and/or, in the case of businesses, the suspension of business licenses, as well as any other penalties that may be available under Guam law. DPHSS and the Department of Revenue and Taxation shall enforce this Section, and, if necessary, may do so with the assistance of the Guam Police Department and the Guam Fire Department.

- 3. **MODIFIED QUARANTINE POLICY FOR INBOUND TRAVELERS.** Effective September 26, 2020 at 12:00PM, all persons entering Guam shall be subject to quarantine at a Government Quarantine Facility, in accordance with applicable Guam law. On the sixth (6th) day of an individual's quarantine at the Government Quarantine Facility, such individual may be administered a COVID-19 test by DPHSS or another designated provider. In the event the individual receives a negative result, the individual shall be permitted to complete the remainder of their fourteen (14) day quarantine at their approved rental lodging or private residence, subject to DPHSS monitoring and other requirements specified in applicable DPHSS Guidance. Individuals receiving a positive COVID-19 test shall be subject to applicable law and DPHSS Guidance for isolation.
- 4. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.

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5. **PRIOR ORDERS REMAIN IN EFFECT.** All prior Executive Orders remain in full force and effect except to the extent they conflict with this Order.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 24th day of September, 2020.



Lou Leon Guerrero
LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

Joshua F. Tenorio

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lt. Governor of Guam